

JOINT STATUS LETTER

September 3, 2024

BY ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Sillam et al. v. Labaton Sucharow LLP et al., No. 21-cv-06675 (CM)(OTW)

Dear Judge Wang:

The parties respectfully submit this joint status letter as directed by the Court. (ECF 156). The parties' positions regarding the status of this action are set forth below.

Plaintiff's position

The Plaintiffs have filed the notice of interlocutory appeal on the monetary sanction and are still contemplating settlement with Defendants.

Defendants' position

Your Honor ordered Plaintiff Sillam to pay a monetary sanction of \$146,280 by August 30, 2024. (Doc. 153). That date has passed and Sillam has not paid the sanction. Plaintiffs' notice of interlocutory appeal (Doc. 157), purportedly taken from Your Honor's July 24, 2024 order directly to the Court of Appeals, is untimely, taken to the wrong court, and jurisdictionally defective as interlocutory. (*See, e.g.*, 28 U.S.C. §§ 636(b)(1), 1291; Fed. R. Civ. P. 72(a)). In any event, the purported appeal does not affect Sillam's obligation to pay the sanction.

Accordingly, Defendants will move before Judge McMahon to dismiss this action with prejudice pursuant to, *inter alia*, Judge McMahon's warning that "if [Sillam] fails to comply fully and promptly with any order issued by this court ('this court' includes Magistrate Judge Wang), he will be required to show cause why this lawsuit should not be dismissed." (ECF 152 at 9; *see also* ECF 138 at 16-17; ECF 153 at 8). If the action is not dismissed on that ground, Defendants will move for summary judgment.

Respectfully,

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